

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

BRANDON LEE BROWN,

Plaintiff,

vs.

JAMES YATES, et al.,

Defendants.

Case No. CIV-20-124-RAW-SPS

**DEFENDANTS' ANSWER
TO PLAINTIFF'S AMENDED COMPLAINT.**

COME NOW Defendants Vance, Keyes, Perez, Dorman, Patterson, Brown, Gentry, Bailey, Shivley, Louthan, Lysinger, Mowers, Goodwin, Riddle, Davis, Dupris, Berry, Underwood, Smith, and Choate by and through their attorney of record, Darrell L. Moore, OBA #6332, submitting their Answer in opposition to the Plaintiff's Amended Complaint filed herein on August 10, 2020 [Doc.#21]. The District Court Ordered Plaintiff on July 23, 2020 to use the Court's form to file a *pro se* Amended Complaint, to include therein all claims and supporting materials to be considered by the Court, and noted that the Amended Complaint may not reference or attempt to incorporate material from the original complaint or exhibits. [Doc.#20]. The Plaintiff's Amended Complaint is 34 pages of handwriting on standard notebook paper, containing 184 numbered paragraphs. Plaintiff's Amended Complaint does not comply with the District Court's Order of July 23, 2020. Defendants have endeavored to directly address every claim of the Plaintiff. However, to the extent any claim therein was not specifically addressed, the same are strictly denied.

Defendants' Answer to Plaintiff's Amended Complaint is provided to the Court in the same numerical sequence and style as presented by the Plaintiff, as follows:

(Amended Complaint Page 1 of 34). No allegations requiring a response by these Defendants are contained on Page 1 of 34.

(Amended Complaint Page 2 of 34).

1. Admitted.
2. Admitted Defendant Smith was listed twice. Otherwise, denied.
3. Denied.
4. Venue is admitted.
5. Admitted Plaintiff is in the custody of the Oklahoma Department of Corrections and is presently confined at the Oklahoma State Penitentiary, McAlester, Oklahoma.

6. Admitted Mr. Albaugh was, for a time, the Director of the Oklahoma Department of Corrections. Plaintiff's remaining allegations are denied.

7. Admitted Mr. Knutson is employed by the Oklahoma Department of Corrections. Plaintiff's remaining allegations are denied.

(Amended Complaint Page 3 of 34).

8. Admitted James Yates was, for a time, Warden of Davis Correctional Facility. Plaintiff's remaining allegations are denied.

9. Admitted Terry Underwood serves as the Grievance Coordinator at Davis Correctional Facility. Plaintiff's remaining allegations are denied.

10. Admitted Ms. Bailey is an accounting clerk at Davis Correctional Facility. Plaintiff's remaining allegations are denied.

11. Admitted Ms. Patterson was employed at Davis Correctional Facility in the law library.

12. Admitted Ms. Vance is employed at Davis Correctional Facility in the law library.

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13. Admitted Mr. Colbert is employed by the Oklahoma Department of Corrections.

14. Admitted Ms. Dorman is employed as the Chief of Unit Management at Davis Correctional Facility.

15. Admitted Antwone Berry is employed as a Unit Manager at Davis Correctional Facility.

16. Admitted Anastacio Perez is employed as an Assistant Warden at Davis Correctional Facility.

17. Admitted Mark Gentry was employed at Davis Correctional Facility as an Assistant Warden.

18. Admitted Mr. Lysinger is employed as a Captain at Davis Correctional Facility.

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19. Admitted Gloria Goodwin is employed as a Nurse at Davis Correctional Facility.

20. Admitted Raymond Gloria was employed as a Captain at Davis Correctional Facility.

21. Admitted Rhonda Shivley is employed as a Nurse at Davis Correctional Facility.

22. Admitted Mr. Keyes is employed at Davis Correctional Facility as the disciplinary hearing officer.

23. Admitted Kevin Brown is employed as the Chief of Security at Davis Correctional Facility.

24. Admitted Mr. Riddle is employed as a Captain at Davis Correctional Facility.

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25. Admitted Kevin Davis was employed at Davis Correctional Facility.

26. Admitted Mr. Louthan was employed at Davis Correctional Facility.

27. Admitted Michael Dupris is employed as a Correctional Officer at Davis Correctional Facility.

28. Admitted Andrew Smith is employed as a Senior Correctional Officer at Davis Correctional Facility.

29. Admitted Mr. Choate is employed as a Correctional Officer at Davis Correctional Facility.

(Amended Complaint Page 7 of 34).

30. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

31. Admitted Plaintiff engaged in misconduct on or about July 25, 2019.
Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

32. Admitted Plaintiff engaged in misconduct on or about July 25, 2019.

Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

33. These answering Defendants do not understand Plaintiff's allegations

made in his ¶33. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

34. These answering Defendants do not understand Plaintiff's allegations

made in his ¶34. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 8 of 34).

35. Plaintiff's allegations are denied. Denied that any one of these Answering

Defendants in any way violated Plaintiff's rights.

36. Plaintiff's allegations are denied. Denied that any one of these Answering

Defendants in any way violated Plaintiff's rights.

37. Plaintiff's allegations are denied. Denied that any one of these Answering

Defendants in any way violated Plaintiff's rights.

38. Plaintiff's allegations are denied. Denied that any one of these Answering

Defendants in any way violated Plaintiff's rights.

39. Plaintiff's allegations are denied. Denied that any one of these Answering

Defendants in any way violated Plaintiff's rights.

40. Plaintiff's allegations are denied. Denied that any one of these Answering

Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 9 of 34).

41. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

42. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

43. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

44. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

45. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

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46. Admitted Plaintiff received proper and timely medical treatment. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

47. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

48. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

49. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

50. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

51. These answering Defendants do not understand Plaintiff's allegations made in his ¶51. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 11 of 34).

52. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶52. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

53. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶53. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

54. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶54. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

55. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

56. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

57. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶57. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

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58. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶58. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

59. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶59. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

60. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶60. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

61. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶61. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

62. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

63. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶63. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 13 of 34).

64. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

65. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

66. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

67. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶67. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

68. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

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69. Plaintiff's allegations of excessive force are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

70. Plaintiff's allegations of excessive force are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

71. Plaintiff's allegations of excessive force are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

72. Plaintiff's allegations of excessive force are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 15 of 34).

73. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶73. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

74. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶74. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

75. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶75. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

76. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶76. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

77. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 16 of 34).

78. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶78. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

79. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶79. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

80. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

81. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

82. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶82. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

83. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

84. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

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85. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

86. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

87. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

88. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 18 of 34).

89. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶89. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

90. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶90. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

91. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶91. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

92. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶92. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

93. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶93. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

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94. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶94. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

95. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

96. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

97. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶97. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

98. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

99. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 20 of 34).

100. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

101. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶101. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

102. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶102. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

103. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶103. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

104. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

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105. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

106. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶106. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

107. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶107. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

108. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

109. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 22 of 34).

110. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

111. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

112. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

113. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

114. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 23 of 34).

115. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

116. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

117. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

118. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

119. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

120. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

121. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 24 of 34).

122. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

123. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

124. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

125. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

126. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

127. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

128. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 25 of 34).

129. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

130. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶130. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

131. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

132. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in a Plaintiff's allegations are denied.

133. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

134. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶134. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

135. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶135. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 26 of 34).

136. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

137. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

138. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

139. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

140. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

141. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

142. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶142. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 27 of 34).

143. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶143. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

144. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

145. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

146. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶146. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

147. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 28 of 34).

148. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

149. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

150. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

151. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 29 of 34).

152. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

153. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶153. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

154. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

155. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 30 of 34).

156. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

157. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 31 of 34).

158. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶158. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

159. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶159. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

160. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶160. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 32 of 34).

161. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

162. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

163. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

164. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

165. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

166. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

167. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

168. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

169. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

170. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

(Amended Complaint Page 33 of 34).

171. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

172. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

173. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

174. Plaintiff's allegations are denied. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

175. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶175. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

176. Denied that Plaintiff is entitled to any relief, compensatory or otherwise.

177. Denied that Plaintiff is entitled to any relief of any kind, to include punitive damages.

178. Denied. No reasonable trier of fact would conclude that Plaintiff's rights have been violated. Summary judgment should be granted by the Court in favor of Defendants.

179. Denied that Plaintiff is entitled to any relief, in any form, to include costs of the action.

180. Denied that Plaintiff is entitled to any relief, in any form.

(Amended Complaint Page 34 of 34).

181. These answering Defendants do not understand Plaintiff's allegations, if any, made in his ¶181. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

182. Plaintiff's allegations are denied. Plaintiff repeatedly failed to properly use the administrative remedies grievance process. Plaintiff's claims brought forward to the Court were not first exhausted prior to filing this Amended Complaint.

183. Denied that any one of these Answering Defendants in any way violated Plaintiff's rights.

184. Denied that Plaintiff is entitled to any relief of any kind, declaratory, compensatory, or otherwise.

DEFENDANTS' AFFIRMATIVE DEFENSES

As separate affirmative defenses to the averments contained in the Plaintiff's Amended Complaint, these answering Defendants do state as follows:

1. As a separate and alternative affirmative defense, Defendants allege Plaintiff has not stated a basis for an award of compensatory, exemplary, or punitive damages.
2. As a separate and alternative affirmative defense, Defendants allege Plaintiff has failed to state a claim or claims upon which relief could be granted.
3. As a separate and alternative affirmative defense, Defendants allege Plaintiff failed to first exhaust administrative remedies as to the claims he has brought forward to the District Court as required by the Prison Litigation Reform Act and Oklahoma law. *See* 42 U.S.C. § 1997e(a) and 57 O.S. §§ 564, 566(A)(1), 566.3(G)(2), 566.5.
4. As a separate and alternative affirmative defense, Defendants allege that insofar as Plaintiff may have attempted to assert a civil claim or tort claim, the same is barred in that he did not first comply with the requirements of 57 O.S. §566.4(B)(2). The Oklahoma Legislature has specifically stated that no tort action or civil claim may be filed against any employee, agent, or servant of the state, the Department of Corrections, private correctional company, or any county jail or any city jail alleging acts related to the duties of the employee, agent, or servant, until all of the notice provisions of the Governmental Tort Claims Act [51 O.S. §151 et seq.] have been fully complied with by the claimant. This requirement shall apply to any claim against an employee of the state, the Department of Corrections, or to any county jail or city jail in either their official or

individual capacity, and to any claim against a private correctional contractor and its employees for actions taken pursuant to or in connection with a governmental contract.

5. As a separate and alternative affirmative defense, Defendants state that if Plaintiff has alleged negligence of any answering Defendant, which is specifically denied, such was not the direct, legal, proximate cause of Plaintiff's alleged injuries and damages.


6. As a separate and alternative affirmative defense, Defendants allege that at all times material to the Complaint they acted in good faith and in a reasonable manner.

7. As a separate and alternative affirmative defense, Defendants state that they intend to rely upon other defenses as may become apparent or available during discovery proceedings or which may be raised by separate motion as permitted by the Rules of Civil Procedure.

CONCLUSION

WHEREFORE, Defendants respectfully pray the Court enter its order of judgment in favor of Defendants and against the Plaintiff; that the Court dismiss the Plaintiff's allegations as set forth above; that the Plaintiff take nothing by way of his petition herein; and, that the Defendants be awarded their attorney fees and costs for defense of this action and receive any and all other appropriate relief.

Respectfully submitted,
Defendants Vance, Keyes, Perez,
Dorman, Patterson, Brown, Gentry,
Bailey, Shivley, Louthan, Lysinger,
Mowers, Goodwin, Riddle, Davis,
Dupris, Berry, Underwood, Smith, and
Choate.

By: 
DARRELL L. MOORE, OBA 6332
P.O. Box 368
Pryor, OK 74362
(918) 825-0332
(918) 825-7730 fax
Attorney for Defendants

Certificate of Service

☐ I hereby certify that on March 22, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

☒ I hereby certify that on March 22, 2021, I served the attached document by regular US Mail on the following, who are not registered participants of the ECF System:

Brandon Lee Brown, DOC# 186754
Davis Correctional Facility
6888 E. 133rd Rd
Holdenville, OK 74848


DARRELL L. MOORE